1.5.1 Administrative Law – Requirements for Findings – Generally. Where a local government adopts a post-acknowledgment plan amendment creating a new zone that allows 20-acre lots, an argument that DEQ rules indicate that properties of 10 or more acres in size are generally able to support on-site wastewater systems is not sufficient to establish compliance with Goal 11 with respect to wastewater where those rules appear for the first time in the response brief, where there are no findings or evidence in the record addressing wastewater, and where there is no evidence in the record that the rule is accurate within the portion of the local government's jurisdiction at issue. Similarly, references to the proximity of the majority of candidate lands to fire districts, to evidence that more demand for funds would not be created in one of the districts, to 10 years of data indicating that less than two percent of fires resulted from residential structures, and to local fire protection standards with which future development would be required to comply are not sufficient to establish compliance with Goal 11 with respect to fire protection where there is no analysis of the likelihood of increased fire as more residences are potentially introduced into the area or discussion of the capacity of the existing fire service organizations to provide more service. *DLCD v. Douglas County*, 80 Or LUBA 98 (2019).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where the county approves an amendment to a planned development approval for a resort, golf course and aerial challenge course, and petitioner argues the county improperly construed the applicable provisions of the county's code, but petitioner has not ultimately challenged the board of county commissioners' interpretation, or otherwise explained why LUBA is not required to affirm that interpretation under ORS 197.829(1), petitioner has provided no basis for reversal or remand. *Carkulis v. Lincoln County*, 79 Or LUBA 610 (2019).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where petitioner argues the county committed a procedural error that prejudiced his substantial rights when the board of county commissioners failed to consider a written statement that petitioner submitted to the board of commissioners at the hearing, but petitioner does not establish that the board of county commissioners actually failed to consider petitioner's written statement, and petitioner failed to object to the alleged procedural error below, petitioner has not established that the county committed a procedural error or violated an applicable legal standard. *Carkulis v. Lincoln County*, 79 Or LUBA 610 (2019).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where a hearings officer's interpretive findings in support of his conclusion that a front setback and height standard qualify as "site-related development standards" are inadequate, LUBA will nevertheless affirm the hearings officer's decision where the hearings officer's decision is (1) consistent with prior hearings officer decisions, (2) consistent with prior city council decision, (3) consistent with relevant purpose statements, and (4) consistent with the relevant legislative history. *Patel v. City of Portland*, 77 Or LUBA 349 (2018).

1.5.1 Administrative Law – Requirement for Findings – Generally. A local governing body commits no error in requesting that a prevailing party prepare written findings for it to adopt. And the governing body commits no error in adopting written findings that deviate from statements made at the final evidentiary hearing, and it is those written findings and not the oral statements

that are subject to LUBA review on the merits. *Rawson v. Hood River County*, 77 Or LUBA 415 (2018).

1.5.1 Administrative Law – Requirement for Findings – Generally. Findings of fact and law are the decision; they are not evidence. A local governing body commits no error in adopting new findings following a LUBA remand for inadequate findings, without reopening the evidentiary record. *Rawson v. Hood River County*, 77 Or LUBA 415 (2018).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where an applicant for a historic landmark designation advances three arguments why a property owner may not refuse to consent under ORS 197.722(1) and thereby terminate consideration of the application, the historic review board errs by terminating consideration of the application without adopting findings that respond to those arguments. *McLoughlin Neighborhood Assoc. v. City of Oregon City*, 76 Or LUBA 180 (2017).

1.5.1 Administrative Law – Requirement for Findings – Generally. Under OAR 661-010-0025(1)(a) a local government may clarify its understanding of all the documents a final decision maker adopted as supporting findings, by collecting all those adopted findings together at the beginning of the record. *Rawson v. Hood River County*, 75 Or LUBA 200 (2017).

1.5.1 Administrative Law – Requirement for Findings – Generally. In amending a transportation systems plan (TSP) to locate a bypass through an industrial area, a local government is not obligated to adopt findings regarding the post-amendment adequacy of its inventory of commercial and industrial lands, where the acknowledged zoning district that applies to those lands already anticipates that at least some of those lands may be used for transportation facilities. *Land Watch of Lane County v. Lane County*, 74 Or LUBA 76 (2016).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where a governing body adopts findings that were prepared by others, those findings become the findings of the governing body, and it does not matter who prepared or previously adopted the findings. *Parkview Terrace Development LLC v. City of Grants Pass*, 70 Or LUBA 37 (2014).

1.5.1 Administrative Law – Requirement for Findings – Generally. Even if there is no statutory or other legal requirement that a building permit must in all cases be supported by findings, the record must be sufficient for LUBA or Court of Appeals review if the building permit qualifies as a land use decision. But the initial burden in an appeal to LUBA of such a building permit is to establish an arguable legal error. Once that is done, if the record is not sufficient to establish that the local government correctly applied the law, remand may be required. *Kerns Neighbors v. City of Portland*, 67 Or LUBA 130 (2013).

1.5.1 Administrative Law – Requirement for Findings – Generally. The absence of findings addressing whether an ordinance adopted on remand is consistent with applicable comprehensive plan policies is not a basis for reversal or remand, where the ordinance merely deletes text from the original ordinance subject to remand, on remand the county adopted findings concluding that the original ordinance is consistent with the plan policies, and the petitioner identifies nothing in the deletions accomplished by the remand ordinance that might cause the county to reach a

different conclusion with respect to the remand ordinance. *Hatley v. Umatilla County*, 66 Or LUBA 265 (2012).

1.5.1 Administrative Law – Requirement for Findings – Generally. Even if there is no state or local standard that requires that legislative land use decisions be supported by findings, a legislative land use decision must be supported by findings or accessible material in the record that is sufficient to show that applicable criteria were applied and any required considerations were considered. An unexplained finding that the comprehensive plan does not require that multifamily housing be located in the city's commercial zone is not sufficient to demonstrate that a zoning ordinance amendment to delete multi-family housing as a permitted use in the city's commercial zone is consistent with the city's comprehensive plan. *Cassidy v. City of Glendale*, 66 Or LUBA 314 (2012).

1.5.1 Administrative Law – Requirement for Findings – Generally. Comprehensive plan policies may be mandatory considerations, such that the local government is obligated to adopt findings addressing those considerations, even if individual policies are not mandatory approval criteria that must be independently satisfied or complied with. *Heitsch v. City of Salem*, 65 Or LUBA 187 (2012).

1.5.1 Administrative Law – Requirement for Findings – Generally. A finding that the public interest will not be prejudiced if a right-of-way is vacated is not adequate to address a comprehensive plan policy that asks whether the proposed right-of-way vacation "satisfies a compelling public need," because the finding answers a different question than the question asked by the comprehensive plan policy. *Heitsch v. City of Salem*, 65 Or LUBA 187 (2012).

1.5.1 Administrative Law – Requirement for Findings – Generally. A finding that a proposed right-of-way vacation "will not degrade * * * accessibility in the surrounding neighborhoods" is not sufficient to address a comprehensive plan policy that "[a] proposed vacation should not limit, nor make more difficult, safe and convenient pedestrian and bicycle access," where the barrier that two cemeteries currently pose for pedestrian, bicycle and vehicular traffic was the topic of considerable testimony and the vacation would eliminate the only existing publicly owned property to provide pedestrian and bicycle access through the cemeteries. *Heitsch v. City of Salem*, 65 Or LUBA 187 (2012).

1.5.1 Administrative Law – Requirement for Findings – Generally. Although there is no general legal requirement that all legislative land use decisions must be supported by findings, where the scope and meaning of at least some applicable comprehensive plan policies are unclear, it is highly unlikely that a decision to replace an existing mandatory, regulatory program to improve septic system maintenance with a voluntary, educational program to achieve the same goal will be defensible on appeal without adequate findings. *Oregon Coast Alliance v. City of Dunes City*, 65 Or LUBA 358 (2012).

1.5.1 Administrative Law – Requirement for Findings – Generally. If a local government in granting planned development approval wishes to defer a finding that is required at the time of planned development approval to a subsequent, future proceeding, it must ensure that the public

will be provided the same participatory rights at the future proceeding that they have at the time of planned development approval. *Rosenzweig v. City of McMinnville*, 64 Or LUBA 402 (2011).

1.5.1 Administrative Law – Requirement for Findings – Generally. ORS 215.416(9) requires that permits and expedited land divisions be supported by adequate findings. However, other kinds of county quasi-judicial land use decisions must also be supported by adequate findings, even if ORS 215.416(9) does not apply. *Mingo v. Morrow County*, 63 Or LUBA 357 (2011).

1.5.1 Administrative Law – Requirement for Findings – Generally. A finding that a proposed solid waste disposal operation will have "no significant effect" on farm or forest uses is not sufficient to also demonstrate that the operation will have "no adverse effect." While the two standards are similar, they are not the same, and separate findings are required. *Crocker v. Jefferson County*, 60 Or LUBA 317 (2010).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where there is (1) a lack of evidence that the additional parking spaces that would be required under a legislative land use regulation amendment will materially increase the total number of vehicle trips, (2) some evidence that the legislative amendment will not cause trips to increase materially, and (3) petitioner does not identify which transportation facilities it believes will be significantly affected by the amendment, a local government's brief finding that the legislative amendment will not significantly affect transportation facilities is adequate. *Home Builders Association v. City of Eugene*, 59 Or LUBA 116 (2009).

1.5.1 Administrative Law – Requirement for Findings – Generally. A local government's legislative land use regulation amendment that increases the required number of off-street parking spaces for multiple family dwellings could impact the local government's plan to comply with OAR 660-012-0045(5)(c)(A), which requires that the local government have a parking plan which "[a]chieves a 10% reduction in the number of parking spaces per capita in the MPO." Where such a legislative land use decision is not supported by findings that address OAR 660-012-0045(5)(c)(A), the decision must be remanded. *Home Builders Association v. City of Eugene*, 59 Or LUBA 116 (2009).

1.5.1 Administrative Law – Requirement for Findings – Generally. Absent a local or specific statutory requirement that legislative land use decisions be supported by findings, such decisions need not be supported by findings as long as LUBA and the appellate courts with the aid of the parties and the record can perform their review function. *Friends of Umatilla County v. Umatilla County*, 58 Or LUBA 12 (2008).

1.5.1 Administrative Law – Requirement for Findings – Generally. With the caveat that a legislative land use decision that is not supported by findings may have to be remanded if LUBA or the appellate courts are unable to perform their review function, there is no statute, statewide planning goal or administrative rule that generally requires that legislative land use decisions be supported by findings. *Port of St. Helens v. City of Scappoose*, 58 Or LUBA 122 (2008).

1.5.1 Administrative Law – Requirement for Findings – Generally. While respondents may supply argument and record citations in support of a local governments' legislative decision to

supplement any adopted findings, respondents cannot recharacterize or change a legislative decision's stated decision-making rationale to be something that is at odds with the decision-making rationale that is expressed in the legislative decision itself. *Friends of French Prairie v. Marion County*, 58 Or LUBA 387 (2009).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where a county engineer testifies that the applicant may need to acquire "vision easements" if necessary and the county imposes a condition of approval to that effect, the county is not required to adopt a finding that it is "feasible" for the applicant to obtain such easements from neighbors, absent some indication that there is a legal or practical impediment to obtaining the easements. *Gardener v. Marion County*, 56 Or LUBA 583 (2008).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where the petitioner raises a number of issues, some directed at a remanded decision that is not before the city, and others at the application that is before the city, and the city prudently adopts findings addressing all issues raised, the findings that address issues regarding an application that is not before the city are surplusage and not binding on the city or parties, and LUBA will not address challenges to those findings. *Brodersen v. City of Ashland*, 55 Or LUBA 350 (2007).

1.5.1 Administrative Law – Requirement for Findings – Generally. Provided local law does not dictate a different result, local governments generally may approve a proposed development of land after providing any required notice and hearings−without finding that the proposal complies with all relevant approval criteria−so long as the local government defers the required findings to a later stage and ensures that a second opportunity for any required notice and public hearing is provided before the required findings are adopted at that later stage. *Meadow Neighborhood Assoc. v. Washington County*, 55 Or LUBA 472 (2007).

1.5.1 Administrative Law – Requirement for Findings – Generally. It may not be appropriate to grant conditional approval while deferring required findings to a subsequent approval stage, even where there will be a full public right to participate in the subsequent approval stage, where the initial decision has the effect of rendering the subsequent review moot or prevents meaningful review. However, where the initial decision has no legal or preclusive effect on the subsequent review, such conditional approval provides no basis for reversal or remand. *Meadow Neighborhood Assoc. v. Washington County*, 55 Or LUBA 472 (2007).

1.5.1 Administrative Law – Requirement for Findings – Generally. A county may not rely on a written statement that was prepared by one of the county commission decision makers as findings where the written statement was not adopted by the board of county commissioners as findings. *Hellberg v. Morrow County*, 49 Or LUBA 423 (2005).

1.5.1 Administrative Law – Requirement for Findings – Generally. Although all legislative decisions need not be supported by findings when the local government can supply argument and citation to the record in its brief to demonstrate compliance with the applicable criteria, such arguments must be based on evidence contained in the record rather than created out of whole cloth. *Naumes Properties, LLC v. City of Central Point*, 46 Or LUBA 304 (2004).

1.5.1 Administrative Law – Requirement for Findings – Generally. A local government quasi-judicial land use decision maker is not legally required to verbally explain how all legal and evidentiary issues are resolved. It is the written decision that the decision maker ultimately adopts that is subject to LUBA's review on appeal. *Lord v. City of Oregon City*, 43 Or LUBA 361 (2002).

1.5.1 Administrative Law – Requirement for Findings – Generally. Even absent a specific legal requirement that a legislative decision be supported by findings, remand may be necessary if LUBA and the appellate courts cannot perform their review function without the missing findings to determine whether applicable decision making criteria are satisfied. *Witham Parts and Equipment Co. v. ODOT*, 42 Or LUBA 435 (2002).

1.5.1 Administrative Law – Requirement for Findings – Generally. A decision maker may rely on environmental assessments and technical reports prepared and used by the decision maker in making its decision to demonstrate compliance with findings requirements, notwithstanding that the documents were not formally adopted as findings, where a reasonable person would understand that the decision maker intended to rely on the documents to support its decision. *Witham Parts and Equipment Co. v. ODOT*, 42 Or LUBA 435 (2002).

1.5.1 Administrative Law – Requirement for Findings – Generally. A city council's decision to allow the prevailing party to draft proposed findings in support of a decision to rezone property provides no basis for reversal or remand. *Dimone v. City of Hillsboro*, 41 Or LUBA 167 (2001).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where a city council interprets that a zone change criterion requiring a public need for the use proposed is met where there is a statistical probability that the segment of the population the proposed facility will serve will need the facility, LUBA will defer to that interpretation. *Hubenthal v. City of Woodburn*, 39 Or LUBA 20 (2000).

1.5.1 Administrative Law – Requirement for Findings – Generally. The Portland City Code does not require that the city adopt findings of fact to support its legislative decisions. Therefore, on appeal to LUBA, the city may rely upon citations to the comprehensive plan, code, the record and arguments in its brief to demonstrate that the legislative decision is consistent with applicable plan and code provisions. *Home Depot, Inc. v. City of Portland*, 37 Or LUBA 870 (2000).

1.5.1 Administrative Law – Requirement for Findings – Generally. A city does not err by failing to address a comprehensive plan policy that requires an impact assessment for in-water structures, where the decision does not approve any in-water structures. *Marine Street LLC v. City of Astoria*, 37 Or LUBA 587 (2000).

1.5.1 Administrative Law – Requirement for Findings – Generally. The duty to coordinate under Goal 2 and ORS 197.015(5) does not mandate success in accommodating the needs or legitimate interests of all affected governmental agencies, but it does mandate a reasonable effort to accommodate those needs and legitimate interests "as much as possible." For LUBA to be able to determine that this coordination obligation has been satisfied, a local government must respond in its findings to "legitimate concerns" that are expressed by affected governmental agencies. *Turner Community Association v. Marion County*, 37 Or LUBA 324 (1999).

1.5.1 Administrative Law – Requirement for Findings – Generally. Although there is no statutory requirement that legislative land use decisions be supported by findings, such findings may be required by local ordinance. *Barnard Perkins Corp. v. City of Rivergrove*, 34 Or LUBA 660 (1998).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where a local government decision appears to authorize a nonconforming use and additional dwelling without notice or findings to support those approvals, LUBA will remand the decision. *DLCD v. Curry County*, 33 Or LUBA 728 (1997).

1.5.1 Administrative Law – Requirement for Findings – Generally. A local government's findings cannot defer a determination on discretionary approval criteria to a later stage without providing the same notice and comment period provided in the initial proceeding. *Harcourt v. Marion County*, 33 Or LUBA 400 (1997).

1.5.1 Administrative Law – Requirement for Findings – Generally. A local government cannot defer its obligation to make findings of compliance with applicable approval criteria to a state agency. *Harcourt v. Marion County*, 33 Or LUBA 400 (1997).

1.5.1 Administrative Law – Requirement for Findings – Generally. A local government may impose conditions necessary to ensure compliance with applicable water availability criteria only when the findings adequately establish that compliance with those criteria is feasible. *Harcourt v. Marion County*, 33 Or LUBA 400 (1997).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where a zoning ordinance provision is an aspirational standard, a county need not make findings pertaining to the aspirational standard. *Sparks v. Tillamook County*, 30 Or LUBA 325 (1996).

1.5.1 Administrative Law – Requirement for Findings – Generally. The county must itself analyze and evaluate relevant facts in its findings to show how it reached its decision; it cannot do that analysis for the first time in its brief to LUBA. *DLCD v. Coos County*, 30 Or LUBA 229 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. A local government is not required to make findings to address criteria that it has found to be inapplicable. *East Lancaster Neigh. Assoc. v. City of Salem*, 30 Or LUBA 147 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. While ORS 197.835(9) requires LUBA to affirm a local government decision in the absence of adequate findings if the parties identify evidence that "clearly supports" the decision, "clearly supports" will be interpreted narrowly to mean "makes obvious" or "makes inevitable." *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. ORS 197.835(9)(b) and 197.829(2) authorize LUBA to remedy minor oversights and imperfections in local government

land use decisions, but do not permit or require LUBA to assume the responsibilities assigned to local governments, such as the weighing of evidence, the preparation of adequate findings and the interpretation of comprehensive plans and local land use regulations. *Marcott Holdings, Inc. v. City of Tigard*, 30 Or LUBA 101 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. There is no statutory or administrative law requirement that *all* legislative land use decisions be supported by findings. However, where a challenged legislative land use decision was made by the local governing body and the apparently applicable legal standards at issue on appeal are local comprehensive plan provisions, the interpretation of those provisions must initially be made by the governing body in its decision. *Central Eastside Industrial Council v. Portland*, 29 Or LUBA 429 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. When determining whether a nonconforming use exists, a local government's findings must determine whether the use of the subject property existing when restrictive regulations were applied was lawfully established, and the nature and extent of such use. *Nehoda v. Coos County*, 29 Or LUBA 251 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. A local government may properly grant permit approval based on either (1) a finding that an applicable approval standard is satisfied, or (2) a finding that it is feasible to satisfy an applicable approval standard and the imposition of conditions necessary to ensure that the standard will be satisfied. *Burghardt v. City of Molalla*, 29 Or LUBA 223 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. While it is the applicants' burden to demonstrate compliance with relevant approval criteria, if a local government determines an approval criterion is not satisfied, it must adopt findings explaining why it believes the applicants failed to meet this burden. *Neuman v. Benton County*, 29 Or LUBA 172 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. There is no statutory or administrative law requirement that *all* legislative decisions be supported by findings. However, where there is a local code provision requiring that findings be adopted in support of legislative decisions, the absence of such findings, or the adoption of purely conclusory findings, can provide a basis for reversal or remand. *Foster v. Coos County*, 28 Or LUBA 609 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. There is no generally applicable legal standard requiring a local government to have a "substantial or reasonable basis" for declining to impose a condition proposed by a party to a local government land use proceeding. *Salem Golf Club v. City of Salem*, 28 Or LUBA 561 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where the challenged decision does not determine the proposal complies with mandatory approval standards applicable to the proposal or that compliance with such standards is feasible, the local government may not defer a determination of compliance with such standards to the city engineer, to be made in a process not involving notice or hearing. *Shapiro v. City of Talent*, 28 Or LUBA 542 (1995).

1.5.1 Administrative Law – Requirement for Findings – Generally. In order to defer determinations of compliance with mandatory approval standards to a later stage where no public hearing is contemplated, the local government must first determine that compliance with those standards is possible. *Welch v. City of Portland*, 28 Or LUBA 439 (1994).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where a challenged permit decision is not supported by any findings, the decision must be remanded. *Murphy Citizens Advisory Comm. v. Josephine County*, 28 Or LUBA 274 (1994).

1.5.1 Administrative Law – Requirement for Findings – Generally. Aside from the requirement under *Dolan v. City of Tigard* for an "individualized determination" justifying a condition of approval imposing an exaction, there is no generally applicable requirement that conditions of land use approval be supported by findings that justify imposing the condition. *Davis v. City of Bandon*, 28 Or LUBA 38 (1994).

1.5.1 Administrative Law – Requirement for Findings – Generally. That a legislative land use decision is not supported by findings is not, in itself, a basis for reversal or remand, because no applicable legal standard requires that *all* legislative land use decisions be supported by findings. *Redland/Viola/Fischer's Mill CPO v. Clackamas County*, 27 Or LUBA 560 (1994).

1.5.1 Administrative Law – Requirement for Findings – Generally. There is no legal requirement that a local government adopt findings to support a legislative land use decision. However, where the local government does not adopt findings explaining why a challenged legislative decision complies with applicable approval criteria, LUBA relies upon the responding parties to provide argument and citations to the record to assist the resolution of petitioners' allegations. *DLCD v. Fargo Interchange Service District*, 27 Or LUBA 150 (1994).

1.5.1 Administrative Law – Requirement for Findings – Generally. There is no legal requirement that local governments adopt findings in support of legislative land use decisions. Where a local government does not adopt findings explaining why a challenged legislative land use decision complies with applicable approval criteria, LUBA relies on the responding parties to provide argument and citations to the record to assist in the resolution of petitioners' allegations. *Andrews v. City of Brookings*, 27 Or LUBA 39 (1994).

1.5.1 Administrative Law – Requirement for Findings – Generally. For LUBA review of a legislative land use decision, either the legislative land use decision must be accompanied by findings addressing relevant legal standards or the local government must explain in its brief how the challenged legislative decision complies with applicable legal standards. *McInnis v. City of Portland*, 27 Or LUBA 1 (1994).

1.5.1 Administrative Law – Requirement for Findings – Generally. There is no requirement that a legislative land use decision redesignating numerous properties include findings specifically setting out the justification for the change in designation made for each affected property. *McInnis v. City of Portland*, 27 Or LUBA 1 (1994).

1.5.1 Administrative Law – Requirement for Findings – Generally. Although nothing requires that all legislative land use decisions be supported by findings, in order for LUBA to perform its review function, it is necessary either that legislative land use decisions be accompanied by findings demonstrating compliance with relevant legal standards or that respondent explain in its brief how the challenged legislative decision complies with applicable legal standards. *Rea v. City of Seaside*, 26 Or LUBA 444 (1994).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where a local government fails to adopt findings identifying and applying applicable criteria, it is not possible for LUBA to perform its review function. *Laine v. City of Rockaway Beach*, 26 Or LUBA 417 (1994).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where an approval standard requires that a proposed nonforest dwelling "not interfere seriously with the accepted forestry practices on adjacent lands," a local government must first determine what those accepted forestry practices are. Statements that "logging practices" which have occurred on adjacent properties are "logging" or "salvage logging" are not adequate descriptions of accepted forestry practices. *DLCD v. Klamath County*, 25 Or LUBA 355 (1993).

1.5.1 Administrative Law – Requirement for Findings – Generally. Even where a governing body's review of the decision of a lower level decision maker is limited to the evidentiary record below, the governing body must either make its own decision and findings regarding compliance with applicable approval standards, adopt by reference the decision and findings of the lower level decision maker, or in some other way take action such that a decision regarding compliance with applicable approval standards becomes final and subject to appeal to LUBA as part of the governing body's decision. *Murphy Citizens Advisory Comm. v. Josephine County*, 25 Or LUBA 312 (1993).

1.5.1 Administrative Law – Requirement for Findings – Generally. A local government decision approving a quasi-judicial zone change must be supported by written findings identifying the applicable criteria, setting out the facts relied on and explaining the reasons why the facts establish compliance with the applicable standards. *Strecker v. City of Spray*, 25 Or LUBA 264 (1993).

1.5.1 Administrative Law – Requirement for Findings – Generally. While nothing requires that all legislative land use decisions be supported by findings, in order for LUBA to perform its review function, it is necessary either that legislative land use decisions be accompanied by findings of compliance with relevant legal standards or that respondents explain in their briefs how the legislative decision complies with applicable legal standards. *Riverbend Landfill Company v. Yamhill County*, 24 Or LUBA 466 (1993).

1.5.1 Administrative Law – Requirement for Findings – Generally. Where a petitioner alleges a zoning map amendment violates plan policies and an LCDC administrative rule, a local government is obligated to adopt findings explaining either why the plan policies and rule do not apply to the disputed zone change or why the zone change is consistent with the plan policies and rule. *Recht v. City of Depoe Bay*, 24 Or LUBA 129 (1992).

1.5.1 Administrative Law – Requirement for Findings – Generally. A local government commits no error by failing to adopt findings addressing the impacts of a comprehensive plan transportation map amendment on an inventoried Goal 5 resource site, where the record shows the resource site is located outside the area affected by the challenged plan transportation map amendment. *Davenport v. City of Tigard*, 23 Or LUBA 565 (1992).

1.5.1 Administrative Law – Requirement for Findings – Generally. A challenged land use decision must contain findings addressing the applicable approval standards. *Veach v. Wasco County*, 23 Or LUBA 515 (1992).

1.5.1 Administrative Law – Requirement for Findings – Generally. There is no prohibition against a local government making a tentative oral decision on a permit application, followed by adoption of a final written decision containing its supporting findings. *Citizens for Resp. Growth v. City of Seaside*, 23 Or LUBA 100 (1992).